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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**1106 JULIE LANE, POWELL,
WYOMING,**

**468 HAMILTON WAY, POWELL,
WYOMING,**

Et al.

Defendant-Properties.

**BIG HORN FEDERAL SAVINGS
BANK,**

Claimant.

Civil No. **19-cv-063-R**

MOTION FOR CONSENT ORDER ON CLAIM

In this civil *in rem* action, the United States seeks forfeiture of four real properties, a vehicle and trailer, and currency because each of the Defendant-Properties constitutes, or is derived from, the proceeds of healthcare fraud. Claimant Big Horn Federal Savings Bank (Big Horn) filed a

claim as mortgage lienholder on two of the real properties. The government and Big Horn have entered a settlement agreement.

The United States of America, by and through Assistant United States Attorney Eric Heimann, respectfully requests that this Court enter a consent order on Big Horn's claim incorporating the terms of the settlement agreement. The agreement is incorporated into this motion as Attachment 1.

PROCEDURAL HISTORY

On March 25, 2019, the government filed a verified complaint alleging that the Defendant-Properties were forfeitable under 18 U.S.C. § 981(a)(1)(C) because each property constitutes, or is derived from, the proceeds of healthcare fraud. *Complaint*, Doc. 1. The government then published its intent to forfeit the properties, and sent direct notice to individuals and entities with a known interest in any of the properties, including Big Horn.

On April 22, 2019, Big Horn filed a claim as mortgage lienholder on the following real properties (the Subject Properties):

- a. **1106 Julie Lane, Powell, Wyoming**: Kattenhorn Sub #2, Lot 19. This property is located in Park County. The record owner is NWTC.
- b. **468 Hamilton Way, Powell, Wyoming**: Powell Lumber Sub., Lot 5, Blk. 78A. This property is located in Park County. The record owner is NWTC.

Claim Form, Doc. 12-1. After reviewing Big Horn's claim and associated records, the government and Big Horn entered a settlement agreement.

To date, no other timely claims have been filed.

SETTLEMENT AGREEMENT

The government and Big Horn entered a written settlement agreement on May 8, 2019. *See* Attachment 1. In summary, the government agrees that Big Horn FSB has a valid lien on the

Subject Properties, and to pay from the post-forfeiture sale procedures the unpaid principal and interest due at the time of the sale. Big Horn agrees that the payments described in the agreement will satisfy its lien.

REQUESTED ORDER

Given the settlement agreement, the government requests a consent order that adopts the terms of the parties' agreement. The government has provided a proposed order for the Court's convenience.

Dated this 24th day of May, 2019.

Respectfully submitted,
MARK KLAASSEN
United States Attorney

By: /s/ Eric Heimann
ERIC J. HEIMANN
Assistant United States Attorney

CERTIFICATE OF SERVICE

This is to certify that on May 24, 2019, I served true and correct copies of the foregoing motion upon all counsel via CM/ECF.

By: Louisa G. Cruz
United States Attorney's Office